APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nikolai Grigoriev	Examiner: Rachna Singh
Serial No.: 09/699,572	Group Art Unit: 2176
Filed: October 30, 2000	Docket: 1571.001US2
For: Methods for Rendering Tables	

APPEAL BRIEF UNDER 37 CFR § 41.37

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Appeal Brief is presented in response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed on November 1, 2006 and further in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on April 5, 2006, from the Final Rejection of claims 1-20 of the above-identified application, as set forth in the Final Office Action mailed on January 5, 2006.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of $250.00 which represents the requisite fee set forth in 37 C.F.R. § 41.20(b)(2). The Appellants respectfully request consideration and reversal of the Examiner's rejections of pending claims.

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1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee,
RenderX.

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2. RELATED APPEALS AND INTERFERENCE

There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in the present appeal.

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3. STATUS OF THE CLAIMS

The present application was filed on October 30, 2000 with claims 1-20. A non-final Office Action mailed April 21, 2004. A Final Office Action (hereinafter "the Final Office Action") was mailed January 13, 2005. An Advisory was mailed May 5, 2005. Another non-final Office Action was mailed in response to a Request for Continued Examination on June 28, 2005. Another Final was mailed January 5, 2006. A Decision on a Pre-Appeal Request for Review was received on November 1, 2006. Claims 1-21 stand rejected four times.

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4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the Final Office Action dated January 5, 2006.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Some aspects of the present inventive subject matter include, but are not limited to, methods of rendering tables.

INDEPENDENT CLAIM 1

According to one aspect of the subject matter, a set of instructions to perform a method is provided to generically render a table for output. The method steps comprise:

receiving a table having a plurality of cells wherein each cell spans one or more columns and one or more rows; *(FIG. 1, reference blocks 10 and 20; specification last paragraph on page 11 and continuing on page 12 through the second paragraph)*

representing the table as a geometric grid to wherein one or more positions within the grid house one or more of the cells *(FIG 1, reference block 30 and specification page 12 second paragraph and continuing through second paragraph on page 13)*, and wherein each cell is assigned a synchronization marker *(specification page 14 last paragraph that continues on page 15; and FIG. 4, reference blocks 290, 300, 310 and 320 and specification last paragraph on page 15 and continuing through third paragraph on page 16)*; and

providing a generic table represented by one or more formatting commands operable to provide a rendering of the grid to one or more output media *(specification page 5 penultimate paragraph; page 10 last paragraph continuing to second paragraph on page 11; FIG. 1 reference block 70 and specification first full and complete paragraph on page 14)*, wherein a size of the generic table is configurable and when the grid is rendered to the one or more output media by processing different ones of the cells representing different aspects of a same version of the generic table in an order defined by each cell's synchronization marker *(specification last paragraph page 9 and continuing through onto page 10; FIG. 3; specification page 14 last paragraph that continues on page 15; FIG. 4,reference blocks 290, 300, 310, and 320 and specification last paragraph on page 15 and continuing through the third paragraph on page 16)*, wherein a number of the cells which have a same synchronization marker are processed together as an independent group, and wherein at least two different cells have the same

synchronization marker, and wherein the cells are processed in a sequential order defined by their corresponding synchronization marker to render the grid (*FIG. 5; penultimate paragraph on page 16, first full paragraph on page 17, FIG. 7; last paragraph page 18 and continuing to top of page 19*).

INDEPENDENT CLAIM 8

According to another aspect of the subject matter a set of instructions to perform a method is provided to produce formatting commands to render a table. The method steps comprise:

decoupling one or more cells from a table, wherein each cell represents a different aspect of a same version of the table (*specification first full paragraph on page 6; original filed claim 7; last paragraph page 5*);

storing the cells in a matrix (*FIG. 6 reference numeral 530, last paragraph page 17, first paragraph page 9*);

expressing a dimension associated with each cell in terms of each cell's relative position to each other within the matrix and associating a synchronization marker with each cell (*original filed claim 7; last paragraph on page 10 and continuing onto page 11; FIG. 3*); and

outputting one or more formatting commands operable to produce a rendition of the table on a output media from the matrix (*FIG. 1 reference numeral 60, FIG. 6 reference numeral 560, FIG. 2 reference numeral 120; FIG. 5 reference numeral 480*), an wherein each of the one or more formatting commands are processed to render the rendition by processing different ones of the cells that have a same synchronization marker together as a group, and wherein the rendition of the table is produced in a sequential order which is defined by the cells synchronization marker, where like values for a particular synchronization marker are processed together and a range of values for the synchronization markers define the sequential order (*FIG. 5; penultimate paragraph on page 16, first full paragraph on page 17, FIG. 7; last paragraph page 18 and continuing to top of page 19*).

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INDEPENDENT CLAIM 15

In still another aspect of the subject matter a method is provided to produce a rendition of a table. The method steps comprise:

representing a plurality of cells for a table with one or more executable commands wherein each command has one or more parameters defining an outputted cell's dimensions on an output media and associating with each cell a synchronization marker, and wherein each cell represents a different aspect of a same version of the table (*original filed claim 1 specification first full paragraph on page 6; last paragraph page 5*); and

executing the commands in parallel to produce a rendition of the table on the output media, and wherein each command processed in parallel to produce the rendition processes against cells in a same group associated with a same synchronization marker, and wherein the rendition of the table is sequentially produced by processing the synchronization markers in a defined order represented by a range of values for the synchronization markers (*specification page 5 first full paragraph, second full paragraph page 6, last full and complete paragraph on page 11; last penultimate paragraph on page 14, last paragraph on page 14 that continues to page 15; FIG. 2 reference numeral 150; penultimate paragraph page 16, first full paragraph on page 17, FIG. 7 reference numeral 600 and page 18 last paragraph and continuing to page 19, original claim 14*).

This summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers to the appended claims and its legal equivalents for a complete statement of the invention.

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6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-20 were rejected under 35 USC § 103(a) as being obvious over Rao *et al.* U.S. Patent No. 5,883,635 (hereinafter "Rao") in view of Chatterjee *et al.* U.S. Patent No. 6,584,476 (hereinafter "Chatterjee").

7. ARGUMENT

A) The Applicable Law under 35 U.S.C. §103(a)

To sustain a rejection under 35 U.S.C. 103, references must be cited that teach or suggest all the claim elements. M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)). In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983); *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985); MPEP § 2141.02.

Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Appellant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP § 2143. The Examiner must avoid hindsight. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990). The Office Action must further provide specific, objective evidence of record for a finding of a suggestion or motivation to combine reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. *In re Sang Su Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002).

Applicants would further like to point out that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art recited also suggests in some manner the desirability of the proposed combination. *In re Mills*, 916 F.2d 680, 16 USPQ 2d 1430 (Fed. Cir. 1990). Applicants would also like to note that "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See Lee*, 277 F.3d 1338, 1343-46 (Fed. Cir. 2002); *Rouffet*, 149 F.3d 1350, 1355-59 (Fed. Cir. 1998). This requirement is rooted in the Administrative Procedure Act, which ensures due process and non-arbitrary decision making, as it is in 35 U.S.C. § 103. See id, at 1344-45." *In re Kahn*, No. 04-1616 (Fed. Cir. March 22, 2006).

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B) Discussion of the rejections of the claims 1-20 under 35 U.S.C. § 103(a) as being obvious over Rao in view of Chatterjee

Claims 1-20 were rejected under 35 USC § 103(a) as being obvious over Rao in view of Chatterjee. This rejection is respectfully traversed, Appellant respectfully submits that the Final Office Action has made an improper prima facie showing of obviousness.

Rao is directed to taking a multi-imaged table and produce a single image view of it. Rao is concerned with the processing of producing a view or image of a table. Conversely, Chatterjee is concerned with processing versions of fields of a data store.

Firstly, Applications would like to respectfully disagree with the Examiner in that the proposed combination of Rao and Chatterjee is permissible in the first instance. Rao is focused on producing a rendering or view of primary data. Chatterjee is focused on producing the primary data from which Rao may use. The problem is there is no motivation within Rao or Chatterjee to suggest that using a technique to assemble primary data should be used to alter the technique that is used to render the primary data. It is the technique of rendering that is the primary purpose of the Rao reference. In other words, Chatterjee acquires the data from which Rao operates and Rao has a specific technique that it uses to then take that primary data and render it in an single image format. See Rao column 18 lines 29-45.

Here, Rao specifically provides a technique that says it can get the data it renders (primary data) from a database. But, there is no tie between using a technique that a databases uses to acquire or assemble data in a process to render data for viewing or presentation. In other words, Rao at best provides motivation to use versioned data produced by Chatterjee but Applicants can find no motivation to use the technique of such a system, Chatterjee, to alter how Rao process to render data. Especially, when the rendering technique of Rao is core to the teachings and purpose of Rao.

In summary, Chatterjee teaches a versioning assembling system of primary data and Rao teaches how to render or present primary data. The two are complimentary only in that Chatterjee's output can be consumed as input by Rao but the two are not complimentary in their

processing techniques at all. One of ordinary skill in the art would not have been motivated to make this combination in the manner proposed by the Examiner. Thus, Applicants believe the combination is impermissible and it is noted again that just because a combination can be made does not mean that it would likely be made or that it is even rationale to make in the first instance. The two art areas are not addressing the same issues at all. One addresses acquiring collections of primary data and the other addresses processing primary data to present various views or presentations of it.

Next, the proposed combination lacks any teaching of "synchronization markers" as defined by Applicants' independent claims. There is a specific teaching in Chatterjee of synchronization for use with a metadata field of a database record. That teaching is not associated with a "cell" or a table that is being rendered. It is associated with a record and is for version control. Version control is not the same as rendering. Chatterjee wants to permit records to be assembled, searched, and used based on versioning information. Again, the usage is related to collecting (mining for) primary data and not associated with presenting (rendering) primary data in a specific format. It is abundantly clear from reading Chatterjee that synchronization is being used as a synonym for versioning of information.

It is also noted that the synchronization fields of Chatterjee do not suggest in the slightest a processing order. Applicants' independent claims include limitations directed to processing order and indicate that synchronization markers of the same type are processed together. This is not even remotely taught in either of the references being cited by the Examiner. Chatterjee is incapable of this entirely because "different aspects of a same version of the generic table in an order defined by each cell's synchronization marker" cannot be achieved because records are grouped together on the bases of the same version number of synchronization field value in Chatterjee. In other words, Chatterjee does not represent different aspects of the same table and does not teach any order. One other note of relevance here is that in Chatterjee the synchronization fields are very clearly related to "records" of a database. A record has multiple cells. A synchronization field is not associated on the cell level of a particular record. This fine-grain association is not possible at all with Chatterjee, where the synchronization level is solely associated with just a whole record. So there is no teaching where cells of records can have synchronization fields in fact only groupings of cells arranged in records can have a

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synchronization field. Chatterjee lacks the necessary granularity to achieve this as defined in Applicant's claim.

Also, the synchronization fields in Chatterjee are incapable of defining any processing order. That is, Chatterjee uses a single synchronization field value to process a group as a whole, there is no order defined at all across different synchronization fields because processing is for a single field value. Applicants cannot find any teaching remotely suggesting a processing order as defined in the claims in the Chatterjee reference.

Applicants respectfully submit that the problem appears to be that the Examiner is trying to interpret a reference directed solely to database versioning with Applicants technique to render tables to a presentation formats and media. The two are not related. One is seeking to mine primary data for relevant versioning information and the other (Applicants) is seeking to efficiently represent and process primary data (already acquired) into presentation formats and media. Just because Chatterjee choose to use the term "synchronization" does not change that fact that the entire teachings of Chatterjee are actually directed to "versioning" and not processing order.

A similar problem arises when one tries to combine Chatterjee with Rao. Rao is addressing rendering primary data whereas Chatterjee is not it is focused on mining for primary data. At best Chatterjee is a preprocess step to Rao that supplies Rao with primary data to render. The combination makes little sense to Applicants and lacks any real rationale underpinnings. Consequently, it is highly unlikely one of ordinary skill in the art would have been motivated to take the mining aspects of Chatterjee and use them in the rendering processing of Rao because Rao states it can receive its initial data from a database technique and is focused on its own approach that represents grid cells as graphical objects not as formatting commands. Moreover, even if the combination is made there is still no synchronization marker associated with a "cell" since the fields the Examiner relies on in Chatterjee are only capable of being associated with "records" and since the fields define no order at all with respect to processing.

Thus, Applicants respectfully assert that the combination is impermissible and even if permissible it lacks each and every teaching as defined in the claims. Therefore, the rejections should be withdrawn and the claims should be allowed. Applicants respectfully request an indication of the same from the Board.

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8. SUMMARY

For the reasons argued above, claims 1, 8, and 15 were not properly rejected under § 103(a) as being unpatentable over Rao in view of Chatterjee.

It is respectfully submitted that the art cited does not render the claims obvious and that the claims are patentable over the cited art. Reversal of the rejections and allowance of the pending claim are respectfully requested.
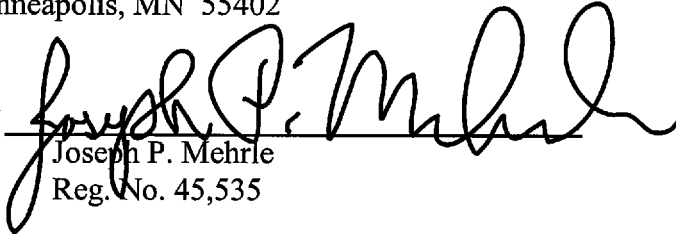
Respectfully submitted,

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Date ___12/01/06_____ By _____
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1st day of December 2006.

PATRICIA A. HULTMAN
_____
Name

_____
Signature

CLAIMS APPENDIX

1.   A set of executable instructions operable to generically render a table for output
processing, comprising the steps of:

 receiving a table having a plurality of cells wherein each cell spans one or more columns
and one or more rows;

 representing the table as a geometric grid wherein one or more positions within the grid
house one or more of the cells, and wherein each cell is assigned a synchronization marker; and

 providing a generic table represented by one or more formatting commands operable to
provide a rendering of the grid to one or more output media, wherein a size of the generic table is
configurable and when the grid is rendered to the one or more output media by processing
different ones of the cells representing different aspects of a same version of the generic table in
an order defined by each cell's synchronization marker, wherein a number of the cells which
have a same synchronization marker are processed together as an independent group, and
wherein at least two different cells have the same synchronization marker, and wherein the cells
are processed in a sequential order defined by their corresponding synchronization marker to
render the grid.

2.   The instructions of claim 1, further comprising the steps of:

 parsing a dimension associated with each cell from the table and associating the
dimension with each cell in the grid.

3.   The instructions of claim 1, further comprising the steps of:

 processing the formatting commands to output a rendition of the table on a paged
medium.

4.   The instructions on claim 1, wherein the table is received in extensible style sheets
language.

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5.   The instructions of claim 1, wherein the grid is a rectangle.

6.   The instructions of claim 5, wherein the rectangle is represented as a two dimensional array.

7.   The instructions of claim 1, wherein the formatting commands include one or more relative positions of each cell to one another.

8.   A set of executable instructions operable to produce formatting commands to render a table, comprising the steps of:

decoupling one or more cells from a table, wherein each cell represents a different aspect of a same version of the table;

storing the cells in a matrix;

expressing a dimension associated with each cell in terms of each cell's relative position to each other within the matrix and associating a synchronization marker with each cell; and

outputting one or more formatting commands operable to produce a rendition of the table on a output media from the matrix, an wherein each of the one or more formatting commands are processed to render the rendition by processing different ones of the cells that have a same synchronization marker together as a group, and wherein the rendition of the table is produced in a sequential order which is defined by the cells synchronization marker, where like values for a particular synchronization marker are processed together and a range of values for the synchronization markers define the sequential order.

9.   The instructions of claim 8, further comprising the steps of:

executing the formatting commands wherein every cell occupying a single row is rendered to the output media independent of each other.

10.   The instructions of claim 9, further comprising the steps of:

processing the formatting commands vertically on the output media beginning with a first row and continuing to a last row.

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11.   The instructions of claim 8, wherein the cells are decoupled from the table by parsing the table represented by a first format.

12.   The instructions of claim 8, further comprising the steps of:
adjusting the dimensions of each cell based on an output media dimension.

13.   The instructions of claim 8, wherein the output media dimension is configurable.

14.   The instructions of claim 8, further comprising:
executing the formatting commands in parallel to produce the rendition of the table on the output media.

15.   A set of executable instructions operable to produce a rendition of a table, comprising the steps of:
representing a plurality of cells for a table with one or more executable commands wherein each command has one or more parameters defining an outputted cell's dimensions on an output media and associating with each cell a synchronization marker, and wherein each cell represents a different aspect of a same version of the table; and
executing the commands in parallel to produce a rendition of the table on the output media, and wherein each command processed in parallel to produce the rendition processes against cells in a same group associated with a same synchronization marker, and wherein the rendition of the table is sequentially produced by processing the synchronization markers in a defined order represented by a range of values for the synchronization markers.

16.   The instructions of claim 15, further comprising the steps of:
reformatting the cells of the table to define a dimension of each cell by a relative position of each cell to one another.

17.   The instructions of claim 15, further comprising the steps of:

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parsing the cells from the table wherein the table is represented by a first format.

18.   The instructions of claim 17, wherein the first format is extensible style sheets language.

19.   The instructions of claim 15, wherein the output media is a printed page.

20.   The instructions of claim 15, the table and the rendition of the table have different dimensions.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.

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